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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,876	01/25/2002	Stanley Edward Jaffe	10011300-1	1781

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EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/056,876	Applicant(s) JAFJE, STANLEY EDWARD	
	Examiner Raymond J. Bayerl	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1 – 3, 8 – 11, 15 – 18, 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Alexander (“Alexander”; US #6,201,384 B1).

As in independent claims 1, 9, 16 (claim 1 quoted as exemplary), Alexander’s GRAPHICAL SYSTEM AND METHOD FOR AUTOMATICALLY SCALING WAVEFORMS IN A SIGNAL MEASUREMENT SYSTEM is part of a signal measurement system such as a digital or analog oscilloscope, logic analyzer, network analyzer, spectrum analyzer or waveform generator (Abstract), and is thus concerned with a “signal waveform being from a signal detected by the electronic instrument”. A waveform such as in Alexander’s fig 3A has applied to it a region designated by “a pointing device”, and thus a “values for a selected parameter” are applied in creating the display of fig 3B. See also Alexander, col 10, lines 36 – 59, in which the rescaling rectangle 310’s use is discussed.

The pointing device 110 (Alexander fig 1) would have to be at least one of the well-known “pointing device” components in the list of claims 2, 10, 17. Also, since the rescaling rectangle produces a re-sized view of the Alexander waveform, the “parameter” of “zoom in” is supplied as per the alternative list of claims 3, 11, 18. The user-created rectangular region 310 (col 10, lines 60 – 67) is created as the “user makes a dragging selection using the pointing device” (claims 8, 15, 20): The rescaling

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rectangle specification module 202 continually tracks the current cursor position as the cursor is **dragged** across the waveform display region (col 9, lines 28 – 62).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 – 7, 12 – 14, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of Lewis et al. ("Lewis"; US #5,381,524).

While a direct manipulation user interface that controls a rescaling rectangle is seen in Alexander's manipulation on a "signal waveform" display, Alexander does not **explicitly** teach that "a menu" is provided for such a purpose (claims 4, 12, and others). However, the Lewis system for AUTOMATED DEVELOPMENT OF TIMING DIAGRAMS permits working with menus and dialog boxes, etc. (col 3, lines 55 – 57) in manipulating the waveform display such as fig 3's.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to employ "parameter"-selecting "menu" components as per Lewis in the Alexander "electronic instrument" environment, so that a wider variety of "parameter" selections might be made available. Motivation rests at least in Alexander's "pointing device"-centric implementation, where the pointer would have more use with a menu to select further features.

As per claim 5's "menu" "to select parameters" (see also claims 13, 19), please note that the menuing arrangement of Lewis provides menus 60 that contain the

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commands used for creating diagrams (col 5, line 65 – col 6, line 2). These menus clearly result in selections being made. The “pull down menu” of claim 6 reads upon Lewis’ fuller disclosure of pull-down menus 60 (col 8 line 66 – col 9, line 2). When such a menu’s operation is complete, in a setting like Alexander’s, the display will perform “displaying the selected parameter” (claims 7, 14) at least in the resulting graphical effect that is seen.

5. Applicant’s arguments with respect to claims 1 – 20, filed 8 November 2004, have been considered but are moot in view of the new ground(s) of rejection.

6. The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure.

The additionally-cited US Patent documents relate to waveform displays for electronic measurement instruments.

7. Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

22 March 2005